

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE: ALMA R. CRUZ MORALES, DEBTOR/S.	CASE NO: 17-02028MCF  CHAPTER 13
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DEBTOR/S REPLY TO  
US BANK TRUST NATIONAL ASSOCIATION, ETC., STAY RELIEF (dkt79)

TO THE HONORABLE COURT:

COMES NOW, the Debtor/s through the undersigned Counsel whom respectfully STATES and PRAYS:

1. US Bank Trust National Association, as Trustee of the Tiki Series III Trust (hereinafter, "US Bank") moved for stay lift over property located at "5170 Skyline Drive, Frisco, Texas, 75034" (dkt79).

2. The root cause of US Bank's remedy is premised on an alleged interest of the Debtor over real property located at 5170 Skyline Drive, Frisco, Texas, 75034. The Debtor's position is that she has no knowledge of this conveyance and she is not nor has she ever been a whole, partial or "co-owner" of this property. Her only real property interest is located at Naranjito, Puerto Rico.

3. If a conveyance with her name did take place then she is surely a potential victim of identity theft or some sort of other nefarious scheme (including a clerical foul-up)<sup>1</sup>. In the event of this scenario or any other where Debtor did not voluntarily accede to the conveyance then naturally the property cannot reasonably be characterized property of the estate.

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<sup>1</sup> This improbable scenario is turning very real because before the Court is a stay-lift motion by CitiMortgage, Inc., alleging the Debtor owns 5% of property located at 2210 Marvin Drive, Lancaster, Texas, 75134 (dkt61). This is the same exact scenario as here the difference being the property address and the note holder.

4. In fact, US Bank's motion acknowledged "there is no evidence to suggest that Debtor, Alma Rosa Cruz Morales, is a willing participant in this fraudulent transfer. .... it appears that Nicole Garcia, who purports to be the Trustee of the Skyline Trust, conveyed the Subject property into this active bankruptcy proceeding in order to invoke the automatic stay." (See dkt79 pg2 at para.9).

5. The Debtor does not oppose US Bank's remedy because the property is not estate property because it's not hers. The Debtor appears to be the victim of an interstate fraud perpetuated in the State of Texas. If thus, then it follows the Debtor nor her estate ought to be held liable for deficiencies or any other non-dischargeable liabilities associated with or related to the property, i.e., personal taxes and/or property taxes, civil or other litigation, or potentially bankruptcy fraud, etc.

6. It is under this premise that Debtor accedes to US Bank's remedy; that is that she never voluntarily acceded to partial or whole conveyance over property that has never been hers in the first place, so she nor her estate are liable.

WHEREFORE, the Debtor prays the Honorable Court consider the herein granting the corresponding remedy along with any other order it deems just and proper.

14-DAY NOTICE

WITHIN FOURTEEN DAYS AFTER SERVICE AS EVIDENCED BY THE CERTIFICATION AND AN ADDITIONAL THREE DAYS PURSUANT TO FED R. BANK. P. 9006(F) IF YOU WERE SERVED BY MAIL, ANY PARTY AGAINST WHOM THIS PAPER HAS BEEN SERVED OR ANY OTHER PARTY TO THE ACTION WHO OBJECTS TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS PAPER WITH THE CLERKS OFFICE OF THE US BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO. IF NO OBJECTION OR OTHER RESPONSE IS FILED WITHIN THE TIME ALLOWED HEREIN, THE PAPER WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED UNLESS IT IS FORBIDDEN BY LAW, IS AGAINST PUBLIC POLICY OR IN THE OPINION OF THE COURT NOT IN THE INTEREST OF JUSTICE.

CERTIFICATE OF SERVICE. I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that I have served the Ch. 13 Trustee J. Carrion, Esq., and by depositing true and exact copies thereof in the United States Mail to Non-CM/ECF participants. RESPECTFULLY SUBMITTED.

In Bayamon, Puerto Rico, this 26 day of February 2021.

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